

REMARKS

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- Group I. Claims 1-9, are drawn to a method of treating an allergic condition by administering EV 131.
- Group II. Claims 1-9, are drawn to a method of treating an inflammatory condition by administering EV 131.
- Group III. Claims 1-9, are drawn to a method of treating an auto-immune condition by administering EV 131.

Responsive to the Requirement for restriction, Applicants elect to prosecute the invention of Group II, with traverse, Claims 1-9, are drawn to a method of treating an inflammatory condition by administering EV 131.

Applicants respectfully request reconsideration of the Requirement for Restriction, or in the alternative, modification of the Restriction Requirement to allow prosecution of more than one group of Claims designated by the Examiner in the present Application, for the reasons provided as follows.

Applicants respectfully submit that the groups designated by the Examiner are unified by a single general inventive concept. The Examiner's assertion regarding WO 01/15719 is noted. Responsive thereto, Applicants assert that the unifying feature of the instant claims is a method of treating a disease condition mediated by neutrophil cells that calls for administering EV131. In contrast, the WO 0115719 application does not disclose a method of treating a neutrophil-mediated disease.

The Examiner's assertions to the contrary notwithstanding, therefore, Applicants respectfully submit that conjoint examination and inclusion of all of the Claims of the present Application is appropriate because Groups 1-3 are directed to a single general inventive concept, which is not disclosed in the prior art, and accordingly, withdrawal of the Requirement for Restriction is in order.

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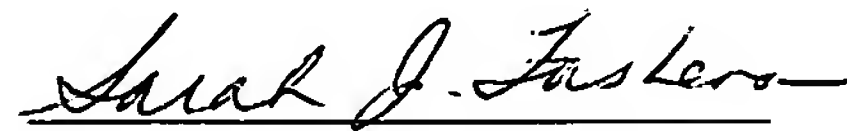
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Responsive to the requirement to elect a species of disease as listed in claim 3, Applicant elects adult respiratory distress syndrome (ARDS).

No fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

In view of the above, an early action on the merits of the Claims is courteously solicited.

Respectfully submitted,



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